

REMARKS

Claims 9-13 are now pending in the instant application. In the most recent Office Action, claims 1-8 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over WO 99/26394 (hereinafter, "Borland"), in view of Japanese Patent Abstract No. 10-42036A (hereinafter, "Morita"). In response to the rejection, claims 1-8 are cancelled by the above amendment, without disclaimer or prejudice to their subsequent reintroduction in this or a continuing application, nor acquiescence in the propriety of the rejection. New claims 9-13 are introduced. Claims 9-13 are fully supported by the original specification as filed, and no new matter has been added.

New claim 9 recites a portable telephone that alerts a user to an incoming call and displays the caller's identifier if there is such identifier, and that the user then has the choice of simply responding to the call in normal fashion, or if identification does not provide a satisfactory result, to switch to a user-confirmation mode. The user-confirmation mode prompts the caller for verbal identification, which then allows the user to either terminate the call or proceed to speak to the caller. In comparison, both of the cited references involve pre-programmed responses that proceed without the user being able to override them, after glancing at a display, to simply initiate normal conversation with the caller.

For instance, Borland has a number of disclosed embodiments. In the first embodiment, the phone is automatically programmed to query a caller without any ringing being activated. Certain callers can get through if the user has pre-programmed them as acceptable, but there is no displayed identifier allowing the user to ascertain who is calling before responding. In a second embodiment, each user of the telephone has a

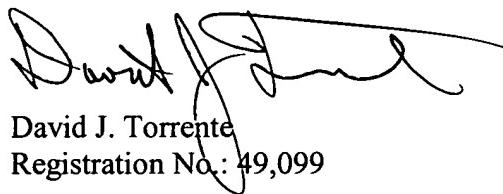
"distinctive ring" that identifies to the users which of them is being called; upon answering a call, the telephone queries the caller for some identification regarding the user being called. The third embodiment also involves a pre-programmed response, in which the telephone of the user takes a pre-programmed action without allowing the user a chance to consider an incoming identifier that may allow the user to simply respond to a caller without more elaborate screening. In the fourth embodiment, as described on page 4, lines 14 and 15, as soon as a telephone (not the user) identifies who is calling (presumably from matching a list of pre-programmed phone numbers), it prompts the caller to say his/her name. However, there is no option provided to the user to simply start speaking with the caller after a glance at their display. A fifth embodiment also involves the telephone requesting identification from the caller before the user becomes involved (page 4, lines 28 to 30).

There is the advantage of the subject invention over what is disclosed in these references that a user of the subject invention is able to treat those callers who they can quickly identify from the identifier information on the display as the user would without any screening. This has the advantage over pre-programmed screening that, if a phone user were to forget to include in pre-programmed screening a known number, the caller with that known number would be subjected to the irritation of screening before reaching the user; with the invention, the user can simply see the number on the display and can begin communication with the caller without the caller even being aware of the screening. It is submitted that this feature, as reflected in the new claims, is neither disclosed nor made obvious from the cited references.

Morita is offered only for its teaching that a telephone may be a portable telephone. It offers nothing to ameliorate the deficiencies of Borland with respect to the claims as illustrated above.

In light of the foregoing, Applicant respectfully submits that all claims recite patentable subject matter. Favorable reconsideration and an early indication of allowability is kindly solicited. If the Examiner has any reservation in allowing the claims, and believes that a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at an earliest convenience.

Respectfully submitted,



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